

## THE HONORABLE JOHN H. CHUN

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

JENNIFER CARRERA, CAROL  
ANDERSON, and BECKY JO PALMER,  
individually and on behalf of all others  
similarly situated,

v.  
Plaintiffs,

## WHITEPAGES, INC.,

**Defendant.**

Case No. 2:24-cv-01408-JHC

#### **NOTE ON MOTION CALENDAR:**

January 14, 2025

**DECLARATION OF TYLER K. SOMES  
IN SUPPORT OF PLAINTIFFS' OPPOSITION  
TO DEFENDANT'S MOTION TO COMPEL ARBITRATION**

DECLARATION IN SUPPORT OF PLAINTIFFS' OPPOSITION TO  
DEFENDANT'S MOTION TO COMPEL ARBITRATION  
CASE No. 2:24-cv-01408-JHC

**HEDIN LLP**  
1395 BRICKELL AVE.,  
SUITE 1140  
MIAMI, FLORIDA 33131  
PHONE: (305) 357-2107

1 I, Tyler K. Somes, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 and  
 2 based on my own personal knowledge, that the following statements are true:

3 1. I am an attorney at the law firm Hedin LLP and a member in good standing of the  
 4 District of Columbia Bar, and I submit this declaration in support of Plaintiffs' Opposition to  
 5 Defendant's Motion to Compel Arbitration in the above-captioned action.

6 2. From 2021 to 2022, I served as law clerk to the Honorable Richard C. Wesley,  
 7 Senior Judge on the United States Court of Appeals for the Second Circuit.

8 3. Before joining Hedin LLP, I worked for four years at a large commercial law firm  
 9 in Washington, DC and Austin, Texas, where I represented plaintiffs and defendants in a range  
 10 of commercial litigation matters.

11 4. I joined Hedin LLP in August 2024.

12 5. Frank Hedin is the owner of Hedin LLP.

13 6. I represent Plaintiffs Jennifer Carrera, Carol Anderson, and Becky Jo Palmer  
 14 ("Plaintiffs") in the above-captioned action.

15 7. On September 5, 2024, Plaintiffs filed this action against Defendant Whitepages,  
 16 Inc. stating one count of misappropriation under four different states' right of publicity statutes.  
 17 See ECF No. 1.

18 8. On November 8, 2024, Defendant filed a motion to compel arbitration. See ECF  
 19 No. 16.

20 9. On November 5, 2024, I accessed Defendant's website [www.whitepages.com](http://www.whitepages.com) and  
 21 took the screenshots attached as Exhibit A.

22 10. The screenshots attached as Exhibit A depict the consecutive steps of my  
 23 navigation through Defendant's website [www.whitepages.com](http://www.whitepages.com).

1        11. I accessed www.whitepages.com by entering a query on www.google.com for the  
2 words “frank hedin whitepages.” The first result to the query was a link to the website  
3 www.whitepages.com/name/frank-hedin. While accessing and navigating the website, I was  
4 never confronted with a “pop-up” referencing Defendant’s Terms of Service. On the “checkout”  
5 page, I did not check the box indicating assent to the Terms of Service.

6       12. The screenshots attached as Exhibit A show that an individual can access internal  
7 pages on www.whitepages.com without ever encountering the site's home page, bearing witness  
8 to a "pop-up" referencing the Terms of Service, or manifesting assent to the Terms of Service.

9           13. I declare, under penalty of perjury, pursuant to the laws of the United States of  
10 America that the foregoing is true and correct.

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Executed this 26th day of December, 2024, in Honeoye Falls, New York.

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2

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# EXHIBIT A



frank hedin whitepages



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**Frank Hedin** ... This page is a profile of **Frank Hedin** which lists the cases **Frank Hedin** has worked on and articles about those cases. ... **Whitepages Inc**, Washington ...

 Whitepages  
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